

Appl. No. 10/036,466
Amdt. Dated February 23, 2006
Reply to Office action of December 05, 2005

REMARKS/ARGUMENTS

Claims 1-30 are pending in the present application.

This response is in response to the Office Action mailed December 5, 2005. In the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. §102(e). Reconsideration in light of the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0009660 by Walker ("Walker"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of anticipation.

Walker discloses a method and system for establishing and bridging of semi-private peer networks. A semi-private network is created by creating one or more connection lists of TCP/IP addresses where a connection list corresponds to a semi-private peer network and each address corresponds to a member peer node (Walker, paragraph [0016]). When attempting to establish a connection to a desired semi-private peer network, an application attempts to connect with as many as possible of the active TCP/IP addresses on the member's connection list(s) (Walker, paragraph [0020]). To bridge a semi-private peer network to another network, a bridging agent is provided that includes an examination unit that examines the requests and/or queries to determine if they are appropriate for circulation within these networks (Walker, paragraph [0029]).

Walker does not disclose, either expressly or inherently, at least one of (1) a cache of a current peer in a current ring at a current level to store information of ring peers within the current ring, (2) the current ring being part of an hierarchical ring structure of peer-to-peer (P2P) nodes, (3) the hierarchical ring structure having at least one of a lower level and an upper level, and (4) a peer locator coupled to the cache to locate a target peer in the cache in response to a request.

Walker merely discloses semi-private networks that have no hierarchical relationship. A member peer node may be connected to two or more semi-private peer networks using two connections lists of the TCP/IP addresses, one for each semi-private peer network. Therefore,

Appl. No. 10/036,466
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there is no distinction whether the connected peer networks are the lower or upper level.

Additionally, Walker does not disclose a cache of a current peer and a peer locator.

In the Office Action, the Examiner contends that Walker discloses a cache of a current peer, citing Walker, paragraph [0016] (Office Action, page 3, paragraph number 6). Applicants respectfully disagree. The cited excerpt merely states that an organizing entity creates (and perhaps subsequently maintains) one or more connection lists of TCP/IP addresses. There is no discussion on how these connections lists are stored and/or updated.

The Examiner further contends that Walker discloses a peer locator, citing Walker, paragraph [0020]. Applicants respectfully disagree. The cited excerpt merely states that "[w]hen attempting to establish a connection to a desired semi-private peer network, the semi-private peer network application of a member attempts to connect with as many as possible of the active TCP/IP addresses on the member peer node's connection list(s) of TCP/IP addresses associated with the desired semi-private peer network 320." (Walker, paragraph [0020]). Attempting to establish a connection is not equivalent to locating a peer. Since Walker discloses that an application attempts to connect to as many as possible the active addresses on the member, the application does not look for a target peer. In contrast, locating a target peer involves receiving a request and searches for a target peer that corresponds to that request. In other words, the information on the target peer is known in the request.

The Examiner further contends that a peer interface is the bridging agent (Office Action, page 3, paragraph number 7 (mistyped as 6)). Applicant respectfully disagrees. A bridging agent monitors traffic of all or some spanned semi-private peer or other networks for queries or requests (Walker, paragraph [0029]; Figure 4(a), element 420). A bridging agent, therefore, is a member whose exclusive function is to examine the queries/requests. Other members do not examine the queries/requests. In contrast, a peer interface is present in any current peer. Furthermore, the query/request is not a request for a target peer, but a request or queries that contain the subject matter or interest of another semi-private peer or other network (Walker, paragraph [0034]).

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of

Appl. No. 10/036,466
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California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Since the Examiner failed to show that Walker teaches or discloses any one of the above elements, the rejection under 35 U.S.C. §102 is improper.

Therefore, Applicants believe that independent claims 1, 11, and 21 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §102(c) be withdrawn.

Appl. No. 10/036,466
Amdt. Dated February 23, 2006
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Conclusion

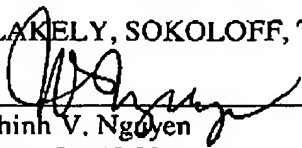
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: February 23, 2006

By


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February 23, 2006

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